

## EXPRESS MAIL CERTIFICATE

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: March 10, 2000

Typed or Printed Name	David Glisson	Express Mail No.	EL 284 101 783 US
Signature	<i>David Glisson</i>	Date	March 10, 2000

Form PTO-1390  
(REV 10-91)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER  
2300-1481U.S. APPLICATION NO.  
09/297,648

INTERNATIONAL APPLICATION NO. PCT/US99/01619	INTERNATIONAL FILING DATE January 28, 1999	PRIORITY DATE CLAIMED January 28, 1998
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TITLE OF INVENTION Novel Human Genes and Gene Expression Products II

APPLICANT(S) FOR DO/EO/US Lewis T. Williams, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19<sup>th</sup> month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)):
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (37 U.S.C. 371(c)(3)):
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ Three oaths or declarations of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).


Items 11 to 16 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
- ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Return Receipt Postcard

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130.00 CP

U.S. APPLICATION NO. (If known, see 37 CFR 1.09/297,648	INTERNATIONAL APPLICATION NO. PCT/US99/01619	ATTORNEY'S DOCKET NUMBER 2300-1481
17. <input checked="" type="checkbox"/> The following fees are submitted: <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and international search report not prepared by the EPO or JPO ..... \$970.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search report prepared by the EPO or JPO ..... \$840.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$760.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$670.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$ 96.00		
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> \$ 0.00		
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <span style="float: right;">__ 20 __ 30</span>		
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total Claims	21 - 20 =	01
Independent Claims	04 - 03 =	01
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$260.00
<b>TOTAL OF ABOVE CALCULATIONS =</b> \$ 130.00		
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28)		
<b>SUBTOTAL =</b> \$ 130.00		
Processing Fee of <b>\$130.00</b> for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). <span style="float: right;">__ 20 __ 30</span>		
<b>TOTAL NATIONAL FEE =</b> \$		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.		
<b>TOTAL FEES ENCLOSED =</b> \$ 130.00		
		Amount to be refunded \$
		charged \$
a. <input checked="" type="checkbox"/> A check in the amount of <u>\$130.00</u> to cover the above fees is included. b. <input type="checkbox"/> Please charge my Deposit Account No. 50-0815 in the amount of \$__ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0815.		
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>SEND ALL CORRESPONDENCE TO:</p> <p>BOZICEVIC, FIELD &amp; FRANCIS LLP</p> <p>285 Hamilton Avenue, Suite 200</p> <p>Palo Alto, California 94301</p> <p>(650) 327-3400 Telephone</p> <p>(650) 327-3231 Facsimile</p> </div> <div style="width: 45%; text-align: right;"> <p></p> <p>SIGNATURE</p> <p>Carol L. Francis</p> <p>NAME</p> <p>36,513</p> <p>REGISTRATION NUMBER</p> </div> </div>		



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/297648	WILLIAMS	L 2300-1481CM
BOZICEVIC FIELD & FRANCIS 285 HAMILTON AVENUE SUITE 200 PALO ALTO, CA 94301		
INTERNATIONAL APPLICATION NO. PCT/US99/01619		
L.A. FILING DATE 28 JAN 99		
PRIORITY DATE 28 JAN 98		
DATE MAILED: 16 FEB 2000		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ non-English language.

☒ English.

☐ Translation of the international application into English.

☒ Oath or Declaration of inventor(s) for DO/EO/US..

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substantive specification filed \_\_\_\_\_.

☐ Verified Statement Claiming Small Entity Status.

☐ Priority Document.

☐ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(d)).

- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5).

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☒ PCT/DO/EO/917

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

☐ Notice of Defective Translation

Karen Williams

Telephone: 703-305-3688

RECEIVED

FEB 23 2000

Bozicevic, Field & Francis



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO. 09/297548	FIRST NAMED APPLICANT WILLIAMS	ATTY. DOCKET NO. 2300-1481CIP
BOZICEVIC FIELD & FRANCIS 285 HAMILTON AVENUE SUITE 200 PALO ALTO, CA 94301		
INTERNATIONAL APPLICATION NO. PCT/US99/01619		
1A. FILING DATE 28 JAN 99		PRIORITY DATE 28 JAN 98

DATE MAILED: 16 FEB 2000

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Karen Williams *KW*  
Telephone: 703-305-3888